



General Assembly

February Session, 2004

**Amendment**

LCO No. 4943

**\*HB0541804943HDO\***

Offered by:

REP. BACKER, 121<sup>st</sup> Dist.  
SEN. PETERS, 20<sup>th</sup> Dist.  
REP. DELGOBBO, 70<sup>th</sup> Dist.  
REP. DUFF, 137<sup>th</sup> Dist.  
REP. AMANN, 118<sup>th</sup> Dist.  
REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> Dist.  
SEN. CRISCO, 17<sup>th</sup> Dist.  
REP. HAMM, 34<sup>th</sup> Dist.  
REP. KALINOWSKI, 100<sup>th</sup> Dist.  
SEN. SMITH, 14<sup>th</sup> Dist.  
REP. ADINOLFI, 103<sup>rd</sup> Dist.  
REP. NARDELLO, 89<sup>th</sup> Dist.

REP. MEGNA, 97<sup>th</sup> Dist.  
REP. COLLINS, 117<sup>th</sup> Dist.  
REP. MILLER, 122<sup>nd</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
REP. VILLANO, 91<sup>st</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. ANISKOVICH, 12<sup>th</sup> Dist.  
SEN. GAFFEY, 13<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
REP. DONOVAN, 84<sup>th</sup> Dist.  
REP. ABRAMS, 83<sup>rd</sup> Dist.  
REP. SHARKEY, 88<sup>th</sup> Dist.  
REP. FELTMAN, 6<sup>th</sup> Dist.

To: Subst. House Bill No. 5418

File No. 105

Cal. No. 108

**"AN ACT CONCERNING ELECTRIC TRANSMISSION LINE SITING  
CRITERIA."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 16-50l of the general statutes, as  
4 amended by section 4 of public act 03-140, is repealed and the  
5 following is substituted in lieu thereof (*Effective from passage and*

6 applicable to applications for a certificate of environmental compatibility and  
7 public need that was originally filed on or after October 1, 2003, for which the  
8 Connecticut Siting Council has not rendered a decision upon the record prior  
9 to the effective date of this section):

10 (a) To initiate a certification proceeding, an applicant for a certificate  
11 shall file with the council an application, in such form as the council  
12 may prescribe, accompanied by a filing fee of not more than twenty-  
13 five thousand dollars, which fee shall be established in accordance  
14 with section 16-50t, and a municipal participation fee of twenty-five  
15 thousand dollars to be deposited in the account established pursuant  
16 to section 16-50bb, except that an application for a facility described in  
17 subdivision (5) or (6) of subsection (a) of section 16-50i, as amended,  
18 shall not pay such municipal participation fee. An application shall  
19 contain such information as the applicant may consider relevant and  
20 the council or any department or agency of the state exercising  
21 environmental controls may by regulation require, including the  
22 following information:

23 (1) In the case of facilities described in subdivisions (1), (2) and (4) of  
24 subsection (a) of section 16-50i, as amended: (A) A description,  
25 including estimated costs, of the proposed transmission line,  
26 substation or switchyard, covering, where applicable underground  
27 cable sizes and specifications, overhead tower design and appearance  
28 and heights, if any, conductor sizes, and initial and ultimate voltages  
29 and capacities; (B) a statement and full explanation of why the  
30 proposed transmission line, substation or switchyard is necessary and  
31 how the facility conforms to a long-range plan for expansion of the  
32 electric power grid serving the state and interconnected utility  
33 systems, that will serve the public need for adequate, reliable and  
34 economic service; (C) a map of suitable scale of the proposed routing  
35 or site, showing details of the rights-of-way or site in the vicinity of  
36 settled areas, parks, recreational areas and scenic areas, residential  
37 areas, private or public schools, licensed child day care facilities,  
38 licensed youth camps, and public playgrounds and showing existing  
39 transmission lines within one mile of the proposed route or site; (D)

40 justification for adoption of the route or site selected, including  
41 comparison with alternative routes or sites which are environmentally,  
42 technically and economically practical; (E) a description of the effect of  
43 the proposed transmission line, substation or switchyard on the  
44 environment, ecology, and scenic, historic and recreational values; (F)  
45 a justification for overhead portions, if any, including life-cycle cost  
46 studies comparing overhead alternatives with underground  
47 alternatives, and effects described in subparagraph (E) of this  
48 subdivision of undergrounding; (G) a schedule of dates showing the  
49 proposed program of right-of-way or property acquisition,  
50 construction, completion and operation; [and] (H) identification of  
51 each federal, state, regional, district and municipal agency with which  
52 proposed route or site reviews have been undertaken, including a copy  
53 of each written agency position on such route or site; and (I) an  
54 assessment of the impact of any electromagnetic fields to be produced  
55 by the proposed transmission line; and

56 (2) In the case of facilities described in subdivision (3) of subsection  
57 (a) of section 16-50i, as amended: (A) A description of the proposed  
58 electric generating or storage facility; (B) a statement and full  
59 explanation of why the proposed facility is necessary; (C) a statement  
60 of loads and resources as described in section 16-50r; (D) safety and  
61 reliability information, including planned provisions for emergency  
62 operations and shutdowns; (E) estimated cost information, including  
63 plant costs, fuel costs, plant service life and capacity factor, and total  
64 generating cost per kilowatt-hour, both at the plant and related  
65 transmission, and comparative costs of alternatives considered; (F) a  
66 schedule showing the program for design, material acquisition,  
67 construction and testing, and operating dates; (G) available site  
68 information, including maps and description and present and  
69 proposed development, and geological, scenic, ecological, seismic,  
70 biological, water supply, population and load center data; (H)  
71 justification for adoption of the site selected, including comparison  
72 with alternative sites; (I) design information, including description of  
73 facilities, plant efficiencies, electrical connections to system, and

74 control systems; (J) description of provisions, including devices and  
75 operations, for mitigation of the effect of the operation of the facility on  
76 air and water quality, for waste disposal, and for noise abatement, and  
77 information on other environmental aspects; and (K) a listing of  
78 federal, state, regional, district and municipal agencies from which  
79 approvals either have been obtained or will be sought covering the  
80 proposed facility, copies of approvals received and the planned  
81 schedule for obtaining those approvals not yet received.

82 Sec. 2. Subsection (a) of section 16-50l of the general statutes, as  
83 amended by section 5 of public act 03-140 and sections 1 and 11 of this  
84 act, is repealed and the following is substituted in lieu thereof (*Effective*  
85 *October 1, 2004, and applicable to applications for a certificate of*  
86 *environmental compatibility and public need that was originally filed on or*  
87 *after October 1, 2003, for which the Connecticut Siting Council has not*  
88 *rendered a decision upon the record prior to the effective date of this section*):

89 (a) (1) To initiate a certification proceeding, an applicant for a  
90 certificate shall file with the council an application, in such form as the  
91 council may prescribe, accompanied by a filing fee of not more than  
92 twenty-five thousand dollars, which fee shall be established in  
93 accordance with section 16-50t, and a municipal participation fee of  
94 twenty-five thousand dollars to be deposited in the account  
95 established pursuant to section 16-50bb, except that an application for  
96 a facility described in subdivision (5) or (6) of subsection (a) of section  
97 16-50i, as amended, shall not pay such municipal participation fee. An  
98 application shall contain such information as the applicant may  
99 consider relevant and the council or any department or agency of the  
100 state exercising environmental controls may by regulation require,  
101 including the following information:

102 (A) In the case of facilities described in subdivisions (1), (2) and (4)  
103 of subsection (a) of section 16-50i, as amended: (i) A description,  
104 including estimated costs, of the proposed transmission line,  
105 substation or switchyard, covering, where applicable underground  
106 cable sizes and specifications, overhead tower design and appearance

107 and heights, if any, conductor sizes, and initial and ultimate voltages  
108 and capacities; (ii) a statement and full explanation of why the  
109 proposed transmission line, substation or switchyard is necessary and  
110 how the facility conforms to a long-range plan for expansion of the  
111 electric power grid serving the state and interconnected utility  
112 systems, that will serve the public need for adequate, reliable and  
113 economic service; (iii) a map of suitable scale of the proposed routing  
114 or site, showing details of the rights-of-way or site in the vicinity of  
115 settled areas, parks, recreational areas and scenic areas, residential  
116 areas, private or public schools, licensed child day care facilities,  
117 licensed youth camps, and public playgrounds and showing existing  
118 transmission lines within one mile of the proposed route or site; (iv)  
119 justification for adoption of the route or site selected, including  
120 comparison with alternative routes or sites which are environmentally,  
121 technically and economically practical; (v) a description of the effect of  
122 the proposed transmission line, substation or switchyard on the  
123 environment, ecology, and scenic, historic and recreational values; (vi)  
124 a justification for overhead portions, if any, including life-cycle cost  
125 studies comparing overhead alternatives with underground  
126 alternatives, and effects described in (v) of this subparagraph of  
127 undergrounding; (vii) a schedule of dates showing the proposed  
128 program of right-of-way or property acquisition, construction,  
129 completion and operation; and (viii) identification of each federal,  
130 state, regional, district and municipal agency with which proposed  
131 route or site reviews have been undertaken, including a copy of each  
132 written agency position on such route or site; and [I] (ix) an assessment  
133 of the impact of any electromagnetic fields to be produced by the  
134 proposed transmission line; and

135 (B) In the case of facilities described in subdivision (3) of subsection  
136 (a) of section 16-50i, as amended: (i) A description of the proposed  
137 electric generating or storage facility; (ii) a statement and full  
138 explanation of why the proposed facility is necessary; (iii) a statement  
139 of loads and resources as described in section 16-50r; (iv) safety and  
140 reliability information, including planned provisions for emergency

141 operations and shutdowns; (v) estimated cost information, including  
142 plant costs, fuel costs, plant service life and capacity factor, and total  
143 generating cost per kilowatt-hour, both at the plant and related  
144 transmission, and comparative costs of alternatives considered; (vi) a  
145 schedule showing the program for design, material acquisition,  
146 construction and testing, and operating dates; (vii) available site  
147 information, including maps and description and present and  
148 proposed development, and geological, scenic, ecological, seismic,  
149 biological, water supply, population and load center data; (viii)  
150 justification for adoption of the site selected, including comparison  
151 with alternative sites; (ix) design information, including description of  
152 facilities, plant efficiencies, electrical connections to system, and  
153 control systems; (x) description of provisions, including devices and  
154 operations, for mitigation of the effect of the operation of the facility on  
155 air and water quality, for waste disposal, and for noise abatement, and  
156 information on other environmental aspects; and (xi) a listing of  
157 federal, state, regional, district and municipal agencies from which  
158 approvals either have been obtained or will be sought covering the  
159 proposed facility, copies of approvals received and the planned  
160 schedule for obtaining those approvals not yet received.

161 (2) On or after December 1, 2004, the filing of an application  
162 pursuant to subdivision (1) of this subsection shall initiate the request-  
163 for-proposal process, except for an application for a facility described  
164 in subdivision (5) or (6) of subsection (a) of section 16-50i.

165 (3) Notwithstanding the provisions of this subsection, an entity that  
166 has submitted a proposal pursuant to the request-for-proposal process  
167 may initiate a certification proceeding by filing with the council an  
168 application containing the information required pursuant to this  
169 section, accompanied by a filing fee of not more than twenty-five  
170 thousand dollars, which fee shall be established in accordance with  
171 section 16-50t, and a municipal participation fee of twenty-five  
172 thousand dollars to be deposited in the account established pursuant  
173 to section 16-50bb, not later than thirty days after the Connecticut  
174 Energy Advisory Board performs the evaluation process pursuant to

175 subsection (f) of section 16a-7c.

176 Sec. 3. Subsection (a) of section 16-50p of the general statutes, as  
177 amended by section 10 of public act 03-140, section 6 of public act 03-  
178 221 and section 120 of public act 03-278, is repealed and the following  
179 is substituted in lieu thereof (*Effective from passage and applicable to*  
180 *applications for a certificate of environmental compatibility and public need*  
181 *that was originally filed on or after October 1, 2003, for which the*  
182 *Connecticut Siting Council has not rendered a decision upon the record prior*  
183 *to the effective date of this section*):

184 (a) In a certification proceeding, the council shall render a decision  
185 upon the record either granting or denying the application as filed, or  
186 granting it upon such terms, conditions, limitations or modifications of  
187 the construction or operation of the facility as the council may deem  
188 appropriate. The council's decision shall be rendered within twelve  
189 months of the filing of an application concerning a facility described in  
190 subdivision (1) or (2) of subsection (a) of section 16-50i, as amended, or  
191 subdivision (4) of said subsection (a) if the application was  
192 incorporated in an application concerning a facility described in  
193 subdivision (1) of said subsection (a), and within one hundred eighty  
194 days of the filing of any other application concerning a facility  
195 described in subdivision (4) of said subsection (a), and an application  
196 concerning a facility described in subdivision (3), (5) or (6) of said  
197 subsection (a), provided such time periods may be extended by the  
198 council by not more than one hundred eighty days with the consent of  
199 the applicant. The council shall file, with its order, an opinion stating  
200 in full its reasons for the decision. [Except as provided in subsection (c)  
201 of this section, the] The council shall not grant a certificate, either as  
202 proposed or as modified by the council, unless it shall find and  
203 determine: (1) [A] Except as provided in subsection (c) of this section, a  
204 public need for the facility and the basis of the need taking into  
205 consideration other feasible and prudent alternatives provided to the  
206 council by a party or intervenor that address the same public need; (2)  
207 the nature of the probable environmental impact of the facility, or a  
208 feasible and prudent alternative provided to the council by a party or

209 intervenor, alone and cumulatively with other existing facilities,  
210 including a specification of every significant adverse effect, including,  
211 but not limited to, electromagnetic fields that, whether alone or  
212 cumulatively with other effects, on, and conflict with the policies of the  
213 state concerning, the natural environment, ecological balance, public  
214 health and safety, scenic, historic and recreational values, forests and  
215 parks, air and water purity and fish, aquaculture and wildlife; (3) why  
216 the adverse effects or conflicts referred to in subdivision (2) of this  
217 subsection are not sufficient reason to deny the application, including  
218 why other feasible and prudent alternatives with less adverse effects or  
219 fewer conflicts that are provided to the council by a party or intervenor  
220 do not address the same public need; (4) in the case of an electric  
221 transmission line, (A) what part, if any, of the facility shall be located  
222 overhead, (B) that the facility conforms to a long-range plan for  
223 expansion of the electric power grid of the electric systems serving the  
224 state and interconnected utility systems and will serve the interests of  
225 electric system economy and reliability, and (C) that the overhead  
226 portions, if any, of the facility, or a feasible and prudent alternative  
227 provided to the council by a party or intervenor, are cost effective and  
228 the most appropriate alternative based on a life-cycle cost analysis of  
229 the facility and underground alternatives to such facility, [and] are  
230 consistent with the purposes of this chapter, with such regulations or  
231 standards as the council may adopt pursuant to [subsection (a) of]  
232 section 16-50t, including, but not limited to, the council's best  
233 management practices for electric and magnetic fields for electric  
234 transmission lines and with the Federal Power Commission  
235 "Guidelines for the Protection of Natural Historic Scenic and  
236 Recreational Values in the Design and Location of Rights-of-Way and  
237 Transmission Facilities" or any successor guidelines and any other  
238 applicable federal guidelines and are to be contained within an area  
239 that provides a buffer zone that protects the public health and safety,  
240 as determined by the council. In establishing such buffer zone, the  
241 council shall take into consideration, among other things, residential  
242 areas, private or public schools, licensed child day care facilities,  
243 licensed youth camps or public playgrounds adjacent to the proposed



244 route of the overhead portions and the level of the voltage of the  
245 overhead portions and any existing overhead transmission lines on the  
246 proposed route. At a minimum, the existing right-of-way shall serve as  
247 the buffer zone; (5) in the case of an electric or fuel transmission line,  
248 that the location of the line will not pose an undue hazard to persons  
249 or property along the area traversed by the line; and (6) in the case of a  
250 facility described in subdivision (6) of subsection (a) of section 16-50i,  
251 as amended, that is proposed to be installed on land under agricultural  
252 restriction, as provided in section 22-26cc, as amended, that the facility  
253 will not result in a material decrease of acreage and productivity of the  
254 arable land. The terms of any agreement entered into by the applicant  
255 and any party to the certification proceeding, or any third party, in  
256 connection with the construction or operation of the facility, shall be  
257 part of the record of the proceedings and available for public  
258 inspection. The full text of any such agreement, and a statement of any  
259 consideration therefor, if not contained in the agreement, shall be filed  
260 with the council prior to the council's decision. This provision shall not  
261 require the public disclosure of proprietary information or trade  
262 secrets.

263 Sec. 4. Subsection (a) of section 16-50p of the general statutes, as  
264 amended by section 11 of public act 03-140, section 6 of public act 03-  
265 221 and section 120 of public act 03-278, is repealed and the following  
266 is substituted in lieu thereof (*Effective October 1, 2004, and applicable to*  
267 *applications for a certificate of environmental compatibility and public need*  
268 *that was originally filed on or after October 1, 2003, for which the*  
269 *Connecticut Siting Council has not rendered a decision upon the record prior*  
270 *to the effective date of this section*):

271 (a) (1) In a certification proceeding, the council shall render a  
272 decision upon the record either granting or denying the application as  
273 filed, or granting it upon such terms, conditions, limitations or  
274 modifications of the construction or operation of the facility as the  
275 council may deem appropriate.

276 (2) The council's decision shall be rendered in accordance with the

277 following:

278 (A) Not later than twelve months after the deadline for filing an  
279 application following the request-for-proposal process for a facility  
280 described in subdivision (1) or (2) of subsection (a) of section 16-50i, as  
281 amended, or subdivision (4) of said subsection (a) if the application  
282 was incorporated in an application concerning a facility described in  
283 subdivision (1) of said subsection (a);

284 (B) Not later than one hundred eighty days after the deadline for  
285 filing an application following the request-for-proposal process for a  
286 facility described in subdivision (4) of said subsection (a), and an  
287 application concerning a facility described in subdivision (3) of said  
288 subsection (a), provided such time periods may be extended by the  
289 council by not more than one hundred eighty days with the consent of  
290 the applicant; and

291 (C) Not later than one hundred eighty days after the filing of an  
292 application for a facility described in subdivision (5) or (6) of said  
293 subsection (a), provided such time period may be extended by the  
294 council by not more than one hundred eighty days with the consent of  
295 the applicant.

296 (3) The council shall file, with its order, an opinion stating in full its  
297 reasons for the decision. [Except as provided in subsection (c) of this  
298 section, the] The council shall not grant a certificate, either as proposed  
299 or as modified by the council, unless it shall find and determine:

300 (A) [A] Except as provided in subsection (c) of this section, public  
301 need for the facility and the basis of the need;

302 (B) The nature of the probable environmental impact of the facility  
303 alone and cumulatively with other existing facilities, including a  
304 specification of every significant adverse effect, including, but not  
305 limited to, electromagnetic fields that, whether alone or cumulatively  
306 with other effects, on, and conflict with the policies of the state  
307 concerning, the natural environment, ecological balance, public health

308 and safety, scenic, historic and recreational values, forests and parks,  
309 air and water purity and fish, aquaculture and wildlife;

310 (C) Why the adverse effects or conflicts referred to in subparagraph  
311 (B) of this subdivision are not sufficient reason to deny the application;

312 (D) In the case of an electric transmission line, (i) what part, if any,  
313 of the facility shall be located overhead, (ii) that the facility conforms to  
314 a long-range plan for expansion of the electric power grid of the  
315 electric systems serving the state and interconnected utility systems  
316 and will serve the interests of electric system economy and reliability,  
317 and (iii) that the overhead portions, if any, of the facility are cost  
318 effective and the most appropriate alternative based on a life-cycle cost  
319 analysis of the facility and underground alternatives to such facility,  
320 [and] are consistent with the purposes of this chapter, with such  
321 regulations or standards as the council may adopt pursuant to  
322 [subsection (a) of] section 16-50t, including, but limited to, the council's  
323 best management practices for electric and magnet fields for electric  
324 transmission lines and with the Federal Power Commission  
325 "Guidelines for the Protection of Natural Historic Scenic and  
326 Recreational Values in the Design and Location of Rights-of-Way and  
327 Transmission Facilities" or any successor guidelines and any other  
328 applicable federal guidelines and are to be contained within an area  
329 that provides a buffer zone that protects the public health and safety,  
330 as determined by the council. In establishing such buffer zone, the  
331 council shall take into consideration, among other things, residential  
332 areas, private or public schools, licensed child day care facilities,  
333 licensed youth camps or public playgrounds adjacent to the proposed  
334 route of the overhead portions and the level of the voltage of the  
335 overhead portions and any existing overhead transmission lines on the  
336 proposed route. At a minimum, the existing right-of-way shall serve as  
337 the buffer zone;

338 (E) In the case of an electric or fuel transmission line, that the  
339 location of the line will not pose an undue hazard to persons or  
340 property along the area traversed by the line;

341 (F) In the case of an application that was heard under a consolidated  
342 hearing process with other applications that were common to a  
343 request-for-proposal, that the facility proposed in the subject  
344 application represents the most appropriate alternative among such  
345 applications based on the findings and determinations pursuant to this  
346 subsection; and

347 (G) In the case of a facility described in subdivision (6) of subsection  
348 (a) of section 16-50i, as amended, that is proposed to be installed on  
349 land under agricultural restriction, as provided in section 22-26cc, as  
350 amended, that the facility will not result in a material decrease of  
351 acreage and productivity of the arable land.

352 Sec. 5. Subsection (c) of section 16-50p of the general statutes, as  
353 amended by section 12 of public act 03-140 and section 1 of public act  
354 03-248, is repealed and the following is substituted in lieu thereof  
355 (*Effective from passage and applicable to applications for a certificate of*  
356 *environmental compatibility and public need that was originally filed on or*  
357 *after October 1, 2003, for which the Connecticut Siting Council has not*  
358 *rendered a decision upon the record prior to the effective date of this section*):

359 (c) (1) The council shall not grant a certificate for a facility described  
360 in subdivision (3) of subsection (a) of section 16-50i, as amended, either  
361 as proposed or as modified by the council, unless it finds and  
362 determines [:(A) A] a public benefit for the facility. [:(B) the nature of  
363 the probable environmental impact, including a specification of every  
364 significant adverse and beneficial effect that, whether alone or  
365 cumulatively with other effects, conflicts with the policies of the state  
366 concerning the natural environment, ecological balance, public health  
367 and safety, scenic, historic and recreational values, forests and parks,  
368 air and water purity and fish and wildlife; and (C) why the adverse  
369 effects or conflicts referred to in subparagraph (B) of this subdivision  
370 are not sufficient reason to deny the application. For purposes of  
371 subparagraph (A) of this subdivision, a public benefit exists if such a  
372 facility is necessary for the reliability of the electric power supply of  
373 the state or for a competitive market for electricity.]

374 (2) The council shall not grant a certificate for a facility described in  
375 subdivision (1) of subsection (a) of section 16-50i, as amended, which is  
376 substantially underground or underwater except where such facilities  
377 interconnect with existing overhead facilities, either as proposed or as  
378 modified by the council, unless it finds and determines [:]

379 [(A) A] a public benefit for the facility, in the case of such facility  
380 that is substantially underground, and a public need for such facility,  
381 in the case of such facility that is substantially underwater, taking into  
382 consideration other feasible and prudent alternatives provided to the  
383 council by a party or intervenor that address the same public need or  
384 public benefit, as applicable. [:]

385 [(B) The nature of the probable environmental impact of the facility,  
386 or a feasible and prudent alternative provided to the council by a party  
387 intervenor, alone and cumulatively with other existing facilities,  
388 including a specification of every single adverse and beneficial effect  
389 that, whether alone or cumulatively with other effects, conflict with the  
390 policies of the state concerning the natural environment, ecological  
391 balance, public health and safety, scenic, historic and recreational  
392 values, forests and parks, air and purity and fish and wildlife;

393 (C) Why the adverse effects or conflicts referred to in subparagraph  
394 (B) of this subdivision are not sufficient reason to deny the application,  
395 including why other feasible and prudent alternatives with less  
396 adverse effects and fewer conflicts that were provided to the council  
397 by a party or intervenor do not address the same public need or public  
398 benefit, as applicable;

399 (D) In the case of a new electric transmission line, (i) what part, if  
400 any, of the facility shall be located overhead, (ii) that the facility  
401 conforms to a long-range plan for expansion of the electric power grid  
402 of the electric systems serving the state and interconnected utility  
403 systems and will serve the interests of electric system economy and  
404 reliability, and (iii) that the overhead portions of the facility, if any, are  
405 cost-effective and the most appropriate alternative based on a life-cycle

406 cost analysis of the facility and underground alternatives to such  
407 facility and are consistent with the purposes of this chapter, with such  
408 regulations as the council may adopt pursuant to subsection (a) of  
409 section 16-50t, and with the Federal Energy Regulatory Commission  
410 "Guidelines For the Protection of Natural Historic Scenic and  
411 Recreational Values in the Design and Location of Rights-of-Way and  
412 Transmission Facilities" or any other successor guidelines and any  
413 other applicable federal guidelines; and

414 (E) In the case of an electric or fuel transmission line, that the  
415 location of the line will not pose an undue hazard to persons or  
416 property along the area traversed by the line.]

417 (3) For purposes of [subparagraph (A) of] this [subdivision]  
418 subsection, a public benefit exists if such a facility is necessary for the  
419 reliability of the electric power supply of the state or for the  
420 development of a competitive market for electricity.

421 [(3) Any application for an electric transmission line with a capacity  
422 of three hundred forty-five kilovolts or more that is filed on or after  
423 May 1, 2003, and that proposes the underground burial of such line in  
424 all residential areas and overhead installation of such line in industrial  
425 and open space areas affected by such proposal shall have a rebuttable  
426 presumption of meeting a public benefit for such facility if the facility  
427 is substantially underground, and meeting a public need for such  
428 facility if the facility is substantially above ground. Such presumption  
429 may be overcome by evidence submitted by a party or intervenor to  
430 the satisfaction of the council.]

431 Sec. 6. Subdivisions (1) and (2) of subsection (c) of section 16-50p of  
432 the general statutes, as amended by section 13 of public act 03-140, are  
433 repealed and the following is substituted in lieu thereof (*Effective*  
434 *October 1, 2004, and applicable to applications for a certificate of*  
435 *environmental compatibility and public need that was originally filed on or*  
436 *after October 1, 2003, for which the Connecticut Siting Council has not*  
437 *rendered a decision upon the record prior to the effective date of this section*):

438 (c) (1) The council shall not grant a certificate for a facility described  
439 in subdivision (3) of subsection (a) of section 16-50i, as amended, either  
440 as proposed or as modified by the council, unless it finds and  
441 determines [:(A) A] a public benefit for the facility. [;(B) the nature of  
442 the probable environmental impact, including a specification of every  
443 significant adverse and beneficial effect that, whether alone or  
444 cumulatively with other effects, conflicts with the policies of the state  
445 concerning the natural environment, ecological balance, public health  
446 and safety, scenic, historic and recreational values, forests and parks,  
447 air and water purity and fish and wildlife; (C) why the adverse effects  
448 or conflicts referred to in subparagraph (B) of this subdivision are not  
449 sufficient reason to deny the application; and (D) in the case of an  
450 application that was heard under a consolidated hearing process with  
451 other applications that were common to a request-for-proposal, that  
452 the facility proposed in the subject application represents the most  
453 appropriate alternative among such applications based on the findings  
454 and determinations pursuant to this subdivision. For purposes of  
455 subparagraph (A) of this subdivision, a public benefit exists if such a  
456 facility is necessary for the reliability of the electric power supply of  
457 the state or for a competitive market for electricity.]

458 (2) The council shall not grant a certificate for a facility described in  
459 subdivision (1) of subsection (a) of section 16-50i, as amended, which is  
460 substantially underground or underwater except where such facilities  
461 interconnect with existing overhead facilities, either as proposed or as  
462 modified by the council, unless it finds and determines [;]

463 [(A) A] a public benefit for the facility, in the case of such facility  
464 that is substantially underground, and a public need for such facility,  
465 in the case of such facility that is substantially underwater. [;]

466 [(B) The nature of the probable environmental impact of the facility  
467 alone and cumulatively with other existing facilities, including a  
468 specification of every single adverse and beneficial effect that, whether  
469 alone or cumulatively with other effects, conflict with the policies of  
470 the state concerning the natural environment, ecological balance,

471 public health and safety, scenic, historic and recreational values,  
472 forests and parks, air and purity and fish and wildlife;

473 (C) Why the adverse effects or conflicts referred to in subparagraph  
474 (B) of this subdivision are not sufficient reason to deny the application;

475 (D) In the case of a new electric transmission line, (i) what part, if  
476 any, of the facility shall be located overhead, (ii) that the facility  
477 conforms to a long-range plan for expansion of the electric power grid  
478 of the electric systems serving the state and interconnected utility  
479 systems and will serve the interests of electric system economy and  
480 reliability, and (iii) that the overhead portions of the facility, if any, are  
481 cost-effective and the most appropriate alternative based on a life-cycle  
482 cost analysis of the facility and underground alternatives to such  
483 facility, and are consistent with the purposes of this chapter, with such  
484 regulations as the council may adopt pursuant to subsection (a) of  
485 section 16-50t, and with the Federal Energy Regulatory Commission  
486 "Guidelines For the Protection of Natural Historic Scenic and  
487 Recreational Values in the Design and Location of Rights-of-Way and  
488 Transmission Facilities" or any other successor guidelines and any  
489 other applicable federal guidelines;

490 (E) In the case of an electric or fuel transmission line, that the  
491 location of the line will not pose an undue hazard to persons or  
492 property along the area traversed by the line; and

493 (F) In the case of an application that was heard under a consolidated  
494 hearing process with other applications that were common to a  
495 request-for-proposal, that the facility proposed in the subject  
496 application represents the most appropriate alternative among such  
497 applications based on the findings and determinations pursuant to this  
498 subdivision.]

499 (3) For purposes of subparagraph (A) of this subdivision, a public  
500 benefit exists if such a facility is necessary for the reliability of the  
501 electric power supply of the state or for the development of a  
502 competitive market for electricity and a public need exists if such



503 facility is necessary for the reliability of the electric power supply of  
504 the state.

505 Sec. 7. Section 16-50p of the general statutes, as amended by section  
506 10 of public act 03-140, section 6 of public act 03-221 and section 120 of  
507 public act 03-278, is amended by adding subsection (h) as follows  
508 *(Effective from passage and applicable to applications for a certificate of*  
509 *environmental compatibility and public need that was originally filed on or*  
510 *after October 1, 2003, for which the Connecticut Siting Council has not*  
511 *rendered a decision upon the record prior to the effective date of this section):*

512 (NEW) (h) For a facility described in subdivision (1) of subsection  
513 (a) of section 16-50i, as amended, with a capacity of three hundred  
514 forty-five kilovolts or greater, there shall be a presumption that a  
515 proposal to place the overhead portions, if any, of such facility adjacent  
516 to residential areas, private or public schools, licensed child day care  
517 facilities, licensed youth camps or public playgrounds is inconsistent  
518 with the purposes of this chapter. An applicant may rebut this  
519 presumption by demonstrating to the council that it will be  
520 technologically infeasible to bury the facility. In determining such  
521 infeasibility, the council shall consider the effect of burying the facility  
522 on the reliability of the electric transmission system of the state.

523 Sec. 8. Section 16-50o of the general statutes is repealed and the  
524 following is substituted in lieu thereof *(Effective from passage and*  
525 *applicable to applications for a certificate of environmental compatibility and*  
526 *public need that was originally filed on or after October 1, 2003, for which the*  
527 *Connecticut Siting Council has not rendered a decision upon the record prior*  
528 *to the effective date of this section):*

529 (a) A record shall be made of the hearing and of all testimony taken  
530 and the cross-examinations thereon. Every party or group of parties as  
531 provided in section 16-50n shall have the right to present such oral or  
532 documentary evidence and to conduct such cross-examination as may  
533 be required for a full and true disclosure of the facts.

534 (b) For an application on a facility described in subdivision (1) of

535 subsection (a) of section 16-50i, as amended, the council shall  
536 administratively notice completed and ongoing scientific and medical  
537 research on electromagnetic fields.

538 ~~[(b)]~~ (c) A copy of the record shall be available at all reasonable  
539 times for examination by the public without cost at the principal office  
540 of the council. A copy of the transcript of testimony at the hearing shall  
541 be filed at an appropriate public office, as determined by the council,  
542 in each county in which the facility or any part thereof is proposed to  
543 be located.

544 Sec. 9. Section 16-50o of the general statutes, as amended by section  
545 9 of public act 03-140 and section 8 of this act, is repealed and the  
546 following is substituted in lieu thereof (*Effective October 1, 2004, and*  
547 *applicable to applications for a certificate of environmental compatibility and*  
548 *public need that was originally filed on or after October 1, 2003, for which the*  
549 *Connecticut Siting Council has not rendered a decision upon the record prior*  
550 *to the effective date of this section*):

551 (a) A record shall be made of the hearing and of all testimony taken  
552 and the cross-examinations thereon. Every party or group of parties as  
553 provided in section 16-50n shall have the right to present such oral or  
554 documentary evidence and to conduct such cross-examination as may  
555 be required for a full and true disclosure of the facts.

556 (b) For an application on a facility in subdivision (1) of subsection  
557 (a) of section 16-50i, as amended, the council shall administratively  
558 notice completed and ongoing scientific and medical research on  
559 electromagnetic fields.

560 (c) The applicant shall submit into the record the full text of the  
561 terms of any agreement, and a statement of any consideration therefor,  
562 if not contained in such agreement, entered into by the applicant and  
563 any party to the certification proceeding, or any third party, in  
564 connection with the construction or operation of the facility. This  
565 provision shall not require the public disclosure of proprietary  
566 information or trade secrets.

567       [(c)] (d) The results of the evaluation process pursuant to subsection  
568 (f) of section 19 of [this act] public act 03-140 shall be part of the record,  
569 where applicable.

570       [(d)] (e) A copy of the record shall be available at all reasonable  
571 times for examination by the public without cost at the principal office  
572 of the council. A copy of the transcript of testimony at the hearing shall  
573 be filed at an appropriate public office, as determined by the council,  
574 in each county in which the facility or any part thereof is proposed to  
575 be located.

576       Sec. 10. Section 16-50t of the general statutes is repealed and the  
577 following is substituted in lieu thereof (*Effective from passage and*  
578 *applicable to applications for a certificate of environmental compatibility and*  
579 *public need that was originally filed on or after October 1, 2003, for which the*  
580 *Connecticut Siting Council has not rendered a decision upon the record prior*  
581 *to the effective date of this section*):

582       (a) The council shall prescribe and establish such reasonable  
583 regulations and standards in accordance with the provisions of chapter  
584 54 as it deems necessary and in the public interest with respect to  
585 application fees, siting of facilities and environmental standards  
586 applicable to facilities, including, but not limited to, regulations or  
587 standards relating to: (1) Reliability, effluents, thermal effects, air and  
588 water emissions, protection of fish and wildlife and other  
589 environmental factors; (2) the methodical upgrading or elimination of  
590 facilities over appropriate periods of time to meet the standards  
591 established pursuant to this subsection or other applicable laws,  
592 standards or regulations; and (3) the elimination of overhead electric  
593 transmission and distribution lines over appropriate periods of time in  
594 accordance with existing applicable technology and the need to  
595 provide electric service at the lowest reasonable cost to consumers.

596       (b) The council may adopt regulations or standards in accordance  
597 with the provisions of chapter 54, with respect to subdivisions (1) and  
598 (2) of subsection (a) of this section. Such regulations or standards shall

599 be in addition to and not in lieu of any regulation or standard adopted  
600 by any other state or local agency or instrumentality. No such  
601 regulation or standard shall be adopted by the council without one or  
602 more public hearings at which members of the public are given  
603 adequate opportunity to be heard.

604 (c) The council shall adopt, and revise as the council deems  
605 necessary, standards for best management practices for electric and  
606 magnetic fields for electric transmission lines. Such standards shall be  
607 based on the latest completed and ongoing scientific and medical  
608 research on electromagnetic fields and shall require individual,  
609 project-specific assessments of electromagnetic fields, taking into  
610 consideration design techniques including, but not limited to, compact  
611 spacing, optimum phasing of conductors, and applicable and  
612 appropriate new field management technologies. Such standards shall  
613 not be regulations for purposes of chapter 54.

614 ~~[(c)]~~ (d) Expenditures by a utility shall not be considered a necessary  
615 and proper expense for the purpose of computing fair net return on  
616 invested capital, if such expenditures were incurred (1) for fines,  
617 forfeitures and other penalties, including legal fees and other expenses  
618 incurred in connection therewith, imposed for failure to comply with  
619 any state or federal environmental or pollution standard or (2) in  
620 connection with any action described in subsection (a) of section [16-  
621 50k(a)] 16-50k prior to issuance of a certificate therefor.

622 Sec. 11. (NEW) *(Effective from passage and applicable to applications for a*  
623 *certificate of environmental compatibility and public need that was originally*  
624 *filed on or after October 1, 2003, for which the Connecticut Siting Council*  
625 *has not rendered a decision upon the record prior to the effective date of this*  
626 *section)* If legislation adopted on or after January 1, 2004, results in the  
627 reconfiguration or burial of a proposed facility described in  
628 subdivision (1) of subsection (a) of section 16-50i of the general  
629 statutes, all prudent costs incurred by an electric distribution company,  
630 as defined in section 16-1 of the general statutes, as amended,  
631 associated with the reconfiguration or burial shall be deemed to be

632 reasonable pursuant to sections 16-19 and 16-19e of the general statutes  
 633 and shall be recovered by the electric distribution company in its rates.

634 Sec. 12. (*Effective from passage and applicable to applications for a*  
 635 *certificate of environmental compatibility and public need that was originally*  
 636 *filed on or after October 1, 2003, for which the Connecticut Siting Council*  
 637 *has not rendered a decision upon the record prior to the effective date of this*  
 638 *section*) Not later than January 1, 2005, the Connecticut Siting Council  
 639 shall, in accordance with section 11-4a of the general statutes, submit a  
 640 report to the joint standing committee of the General Assembly having  
 641 cognizance of matters relating to energy and the environment, which  
 642 report shall contain the council's most recent version of its standards  
 643 for best management practices for electric and magnetic fields for  
 644 electric transmission lines and a description of the methodology used  
 645 in selecting such standards."

This act shall take effect as follows:	
Section 1	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 2	<i>October 1, 2004, and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 3	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>

Sec. 4	<i>October 1, 2004, and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 5	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 6	<i>October 1, 2004, and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 7	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 8	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 9	<i>October 1, 2004, and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 10	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>

Sec. 11	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>
Sec. 12	<i>from passage and applicable to applications for a certificate of environmental compatibility and public need that was originally filed on or after October 1, 2003, for which the Connecticut Siting Council has not rendered a decision upon the record prior to the effective date of this section</i>